

February 22, 2006

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 22, 2006, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINGER, Director of Finance  
WARREN G. HEIDT, Director of Public Works  
DIANA C. STULTZ, Zoning Administrator  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD F. KOMARA, Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Chairman Breeden called the meeting to order at 6:00 p.m.

Administrator Paxton led the Pledge of Allegiance, and Supervisor Ahrend gave the Invocation.

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**STUDENTS WELCOMED.**

The Board welcomed seniors from Turner Ashby High School and Bridgewater College.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Meeting held on February 8, 2006.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

In response to a question from Chairman Breeden, Mr. Komara advised that VDOT is working in an area near Route 626, Beldor Road.

Mr. Komara described a process by which Coors plans to transport several fermentation tanks from Fredericksburg to Rockingham County by bringing the tanks by barge down the river, then over the mountain to Elkton.

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**TAX RELIEF FOR THE ELDERLY AND DISABLED.**

Mr. Paxton reported that the staff met with the Finance Committee and developed a schedule, incorporating as much as feasible recommendations made during the presentation at the last meeting by Mr. Gene Hauze concerning tax relief for the elderly and disabled. He pointed out that the attempt was to assist the neediest of those residents with tax relief.

Supervisor Cuevas made the following statement. "The Finance Committee met this afternoon with the Commissioner of the Revenue and staff, and recommends that the Board authorize the County Attorney to prepare an amendment to the ordinance for the Tax Relief for the Elderly and Disabled program and advertise the amendment for a public hearing for the March 8, 2006, meeting. The amendment will incorporate the following changes:

- 1. "The exemption table shall be amended to conform to the proposed table before the Board. The most significant change in this table is that for persons who have an income of less than \$10,000 and a net worth of less than \$35,000 the percentage of tax relief will be 100% instead of 80% in the previous year. "
- 2. "The tax relief granted will be subject to a maximum of \$750 per year or the maximum amount of relief that the person received in 2005 whichever is greater. We had approximately 6 landowners who received more than \$750 in the current year, slightly over \$100,000 in 2005 and an additional \$50,000 projected for 2006. "

Supervisor Cuevas shared the following table with the Board members.

AMOUNT OF EXEMPTION			
Range of Income Per Household	<u>0 - \$35,000</u>	<u>\$35,001 - \$50,000</u>	<u>\$50,001 - \$70,000</u>
0 to \$10,000	100% Relief	75%	50%
\$10,001 to \$17,000	80%	65%	40%
\$17,001 to \$24,000	50%	40%	30%
\$24,001 to \$32,000	25%	15%	10%
Over \$32,000	0%	0%	0%

"On behalf of the Finance Committee, I will make that motion."

Supervisor Ahrend seconded the motion which carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

Mr. Paxton advised that the Commissioner of the Revenue has announced that he will extend the deadline for applications from April 1 to April 30, 2006.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated February 16, 2006. He noted the need for a staff person to perform the duties of the Building Official when that person is out of the office. He reported that he planned to appoint Steve Davis, who is the most qualified inspector of the current staff and is certified in building inspection, as the alternate for the Building Official, providing for immediate back-up. This action will be

temporary until the next step is taken, which is to search for and employ a deputy building official.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, authorized staff to reclassify the newly-created Plan Reviewer/Inspector position to that of Deputy Building Official, and authorized an annual increase of \$4,000 for compensation in this year's budget.

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#### **COUNTY ATTORNEY'S STAFF REPORT.**

The Board received and reviewed Mr. Brown's staff report dated February 17, 2006. He advised that most jurisdictions have gone to a survey foundation ordinance to avoid the hardship created for some homeowners who find out their house is six inches or so too close to the property line. He reported that issues have been raised by the Shenandoah Valley Builders Association about the foundation survey ordinance passed by the Board of Supervisors on December 14, 2005. (The ordinance becomes effective March 1, 2006.) He noted that there are fears that construction will be delayed while waiting on County approval of the foundation surveys.

He pointed out three potential options offered by the builders to address their concerns and summarized the options as:

- 1) *Contractor signs a waiver agreeing to assume responsibility in case of a setback violation and giving up the right to ask for a variance. No foundation survey is required.*
- 2)
- 3) *An as-built survey must be submitted prior to the County's issuance of a Certificate of Occupancy. No foundation survey is required.*
- 4) *The contractor provides the waiver referenced in number 1, but may continue constructing the building. The contractor must provide a foundation survey prior to receiving a framing inspection.*

He noted that staff did not feel that the first option would be a viable solution since it would not accomplish anything new. He pointed out, "In the vast majority of cases the contractor, because of his contract with the landowner, would pay to correct the problem. If there is a setback violation, the County's concern is getting the problem fixed, not with who pays for fixing the problem. Ultimately, the responsibility is with the landowner. Also, the County may not allow residents to voluntarily waive their legal rights. In this case, a waiver of the

right to request a variance from the BZA would not be enforceable."

He stated that the second option would not accomplish anything, noting, "The goal of the foundation survey ordinance is to catch setback violations before a building is constructed, thereby saving the landowner, the contractor, and in many cases County officials and the BZA, a lot of time and money."

Although he thought the third option had some merit in that the setback violation would be caught before the building is completed, he stated that "if the foundation and the framing have been completed, moving or altering a building due to a setback violation still would be a costly endeavor."

He pointed out that the main concern of the builders seemed to be the potential delay in approval by County officials, but noted that staff believed this would not be a lengthy process and would be measured in minutes, not hours or days. He said it would be "a simple matter for a Community Development staff person to review a survey to check the distance of the foundation footers from the property lines and stamp the survey approved." He noted that staff assumed that "all foundation surveys submitted to the County will be approved since it would make no sense for a builder to submit a foundation survey showing a setback violation."

He agreed that there could be a potential delay if a builder forgot to call a surveyor to do a foundation survey or the surveyor for some reason could not get to a survey when promised, he said he believed those delays would be "extremely rare" and the potential for delaying construction of a building would be minimal compared to the financial and emotional cost of correcting a setback violation after the building is completed.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board extended the deadline for the ordinance to become effective from March 1 to May 1, 2006.

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#### **PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Heidt's staff report dated February 22, 2006, including information concerning schedule for Penn Laird Drive and Water Tower Road sewer (schedule provided to Board); Lakewood/Massanetta Springs pump station essentially completed with minor restoration work remaining; McGaheysville WWTP (pursuing two-tiered permit allowing for future expansion to .49 mgd); Phase III Landfill extension (continuing to work with DEQ); Grassy Creek tank (electrical work at meter vault remains to be completed); Three Springs Water system

analysis (final report expected at the end of this month); Pleasant Run Interceptor (final survey of interceptor path completed); Lilly Gardens (further review of identified alternatives necessary before actual detail design engineering to proceed); City of Harrisonburg Waste to Energy Plant; and Solid Waste Ordinance changes (information sent to news media and others in the community, explanation of changes to be provided to haulers to share with their customers, and an advertisement to appear in the *Daily News-Record*).

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Building and Grounds Committee, the Board: (1) reviewed organizational structure changes proposed for the Public Works Department which will result in the addition of one (1) additional headcount in the 2006-2007 budget and the conversion of two positions into alternative roles, in order to "provide the structure that is necessary to meet the increasing demands that are being placed on the Public Works Department for present and near term future considerations"; (2) authorized the conversion of one vacant Maintenance Technician position to a Maintenance Planner position "so that the process of moving toward an asset care environment can begin"; and (3) approved the following job description for the new Maintenance Planner position.

*Position No 11-7*

*1/1/06*

*FLSA Status:NE*

*Grade: 11*

#### **Utilities Maintenance Planner**

*Supervisor: Utilities Foreman*

#### **Primary Objective:**

To assist the Utilities Foreman in the prioritization, planning, scheduling and execution of maintenance work orders associated with new utilities system installations and connections, repairs and preventive maintenance of existing systems and equipment.

#### **Essential Functions/Tasks:**

Performs utilities support work of a specialized nature requiring the application of the day to day scheduling of work crew activities. Work requiring the use of independent and team judgment. Duties and responsibilities may include the following: preparation of forms and work orders, reports, general correspondence using computer software, telephone reception, bookkeeping, spare parts purchasing, inventory control and scheduling activities and work through generated work orders. The planner will assist the Utilities Foreman in developing and implementing schedule maintenance programs, selection and implementation of a computerized maintenance management system (CMMS), development of repetitive preventive and predictive maintenance tasks and

work orders, prioritization of work and the planning and preparation of major equipment overhauls.

Minimum Requirements

- High School Education with specialized knowledge in industrial maintenance or public/private utilities systems
- Experience and skill in the planning, organizing and execution of maintenance work
- Good computer skills with solid working knowledge of MS word and excel
- Experience with a CMMS is desirable
- Good interpersonal skills
- Valid Virginia Driver's License

Physical Requirements:

This is operative work requiring the exertion of up to and exceeding 50 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects. Regular required tasks include sitting; talking or hearing, in person, and by telephone; using hands to reach, handle, or operate standard office and maintenance equipment; and reaching with hands and arms. The employee is frequently required to walk and stand sometimes on uneven surfaces; in addition, occasionally required bending and kneeling. Visual acuity is required for determining the accuracy and thoroughness of work, and observing general surroundings and activities.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated February 22, 2006, including information concerning the draft McGaheysville Area Plan (Planning Commission recommends approval by Board), development activity, priority projects underway, tabled requests, and upcoming requests.

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On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S06-08, request of Crossing Creeks, Inc., for a recovery program for people with mental illness (like use to group home) on property located on the east side of Mountain Valley Road (620) approximately 425' south of Craney Island Road (Route 794), Election District #1, zoned A2. (This request was tabled by the Board on January 25, 2006.)

Noting that several meetings had been held with the applicants, residents in the community, the Social Services

Director, the Zoning Administrator and the architect, as a result of those meetings, Supervisor Cuevas indicated that he would bring forth a motion, with several additional conditions, to approve the request.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved S06-08, request of Crossing Creeks, Inc., subject to the following conditions.

- 1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- 2) A change of use building permit shall be obtained to convert the home from a single-family dwelling to a group home and building permits shall be required for the additional buildings at the time construction is to begin on these structures.
- 3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- 4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- 5) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- 6) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- 7) Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on the VDOT right-of-way.
- 8) Structures approved with this permit shall include the main residence on the property, 3 additional resident buildings and an activity hall.
- 9) No more than 10 acres shall be included in this approval EXCEPT that farming and agricultural activities performed by the residents shall be exempt from the 10 acre requirement.
- 10) This use shall be structured as follows: Limited to 6 residents in 2006; an additional 8 residents by the end of 2008; and a maximum of 30 residents by 2010.
- 11) A request for additional facilities, additional acreage, or an increase in the number of residents in the program shall require further special use permit approval.
- 12) All state and federal licensing requirements shall be met, and copies of these permits shall be presented to the Zoning Administrator prior to issuance of any building permits.



- 13) If a certificate of occupancy is required by the Building Official, this group home shall not begin operation until such time as the certificate of occupancy is granted.

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Supervisor Ahrend indicated that he wished to remove from the table RZ04-2 MILA, LLC, c/o David Milstead and Tim Lacey, 4131 Lumber Mill Road, Dayton, VA 22821, to rezone 105.91 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions) on tax parcels 108A (2) 1.5 and 108 (A) 29 and located on the north end of Shenstone Drive and east of Switchboard Road (Route 910) in Election District #2. (This request was tabled by the Board on July 28, 2004.)

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ04-2 MILA, LLC, c/o David Milstead and Tim Lacey, 4131 Lumber Mill Road, Dayton, VA 22821, to rezone 105.91 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions) on tax parcels 108A (2) 1.5 and 108 (A) 29 and located on the north end of Shenstone Drive and east of Switchboard Road (Route 910) in Election District #2.

Supervisor Ahrend pointed out that the Comprehensive Plan shows housing in the growth areas and that, originally, water and sewer was to be obtained from the City of Harrisonburg. He reminded the Board that the school system in that area is the least crowded of any in the County and that, if approved, it would be approximately two years before any of the houses would be occupied. He noted that the request was tabled pending a decision on a water agreement with the city, but since no agreement had been reached, he believed the request had been delayed long enough.

He moved to approve the request, and the motion was seconded by Supervisor Kyger. The motion failed by a vote of 2 to 3, voting recorded as follows: AHREND - AYE; BREEDEN - NO; CUEVAS - NO; FLOYD - NO; KYGER - AYE.

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On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ05-2, request of Associated Developers, LLC, (Blouse property), 370-I Neff Avenue, Harrisonburg, to rezone a total of 141.837 acres: 77.604 acres on tax map 126 (A) 119 from A1 (Prime Agricultural), 63.705 acres on tax map 126 (A) 120 from A2 (General Agricultural), and .528 acre on tax map 126 (8) 1 from A2 (General Agricultural) to R3 Conditional (General Residential with Conditions). The site is located on the north side of Spotswood Trail (Route 33)

approximately 1400 feet east of Massanetta Springs Road (Route 687) in Election District #3. (This request was tabled by the Board on April 27, 2005.)

Supervisor Floyd asked that his following statement be entered into the minutes.

"Mr. Chairman, my fellow Board members, I have carefully considered this request. I have reviewed the planning staff report and the minutes of the public hearing on this application, and I have visited this property. I have reviewed the County's current Comprehensive Plan and the proposed amendments to the Comprehensive Plan which are currently pending before this Board. I believe that the staff presented this Board and the Planning Commission with an excellent report on this proposed rezoning. That report examined many factors that I will not repeat tonight, but I do agree with the staff report and its recommendation for the denial of this rezoning application; and I adopt the reasons set out in the staff report. I would like to emphasize a couple of items in the staff report that I believe are particularly important. First, under the County's existing Comprehensive Plan and the proposed amendments, the vast majority of the Blose property is not designated for development in the near future. Furthermore, I believe it is critical to note that there is very little residential development on the north side of Route 33, east of the City of Harrisonburg. The only residential development on the north side of Route 33 in this area occurred many years ago and is non-intensive. Approving this rezoning request would open the north side of Route 33 to intensive residential development which will destroy the still vibrant agricultural areas to the west, north, and east of the Blose property. If the Board approves this rezoning, I believe that the north side of Route 33 will very soon look like the south side of Route 33 as you leave Harrisonburg - one continuous residential development - instead of the thriving agricultural area we see now. I note that, at the public hearing held by this Board, many neighbors of the Blose property appeared and expressed their concern that rezoning the Blose property for residential development would sound the death knell for their agricultural operations. I also note that a significant portion of the Blose property is prime farmland soil, the Blose property can still be used for agricultural purposes, and such a use is reasonable. Zoning is about drawing lines. Often, by necessity, those lines are drawn somewhat arbitrarily. In this case, we have a nice, well-defined, logical boundary between intensive residential development and agricultural uses. That boundary is Route 33. If we ignore that boundary in this instance, we will have to ignore it with future rezoning requests; and the agricultural areas located near the north side of Route 33 east will be lost forever."

On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board denied RZ05-2, request of Associated Developers, LLC.

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COMMITTEE REPORTS.

The Board heard committee reports from Board members and staff.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board:

- Approved the following supplemental appropriation in the amount of \$23,310 for Fire and Rescue. The Virginia Department of Health, Office of Emergency Medical Services has awarded a Rural Access to Emergency Devices Grant for the purchase of 18 Automated External Defibrillators. Federal funding has been provided for this purchase with no local match required.

\$23,310	GL Code: 001-03203-000-6065-000	Minor Equipment
\$23,310	GL Code: 001-03900-3200	Rural Access to Emergency Devices

- As requested by the Director of Social Services, approved the following supplemental appropriation in the amount of \$10,000. These funds are for child day care for people at risk of coming back into the program, and are entirely state funded, requiring no local match.

\$10,000	GL Code: 220-03303-0100	Public Assistance
\$10,000	GL Code: 220-05302-200-5758-000	CDC fee at risk

- As requested by the Director of Social Services, approved the following supplemental appropriation in the amount of \$1,895. These funds are for aid to families with dependant children foster care, and are entirely federal and state funded, requiring no local match.

\$ 947	GL Code: 220-02401-0100	Public Assistance
State		
\$ 948	GL Code: 220-03303-0100	Public Assistance
Federal		
\$1,895	GL Code: 220-05302-100-5705-000	AFDC Foster Care

- Approved the following supplemental appropriation in the amount of \$83,000 for Public Works. The funds are a partial payment for the design of the Pleasant Run sewer line extension. The Board approved the contract to Peed & Bortz for \$138,400 on October 26, 2005. This is a partial payment for costs that will be incurred in this fiscal year. Funding will be provided from the Water & Sewer Fund Reserve.

\$83,000	GL Code: 401-04402-000-8351-000 Pleasant Run Sewer
\$83,000	GL Code: 401-05201-0100 Fund Reserve

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**PUBLIC HEARING AND APPROVED AMENDMENT TO FY2005-06 BUDGET TO APPROPRIATE FUNDS FOR SCHOOL PROJECTS.**

At 7:00 p.m., Chairman Breeden declared meeting open for a public hearing to consider an amendment to the Fiscal Year 2005-2006 Adopted Budget. The purpose of this amendment is to appropriate funds for Elkton Middle School and Wilbur S. Pence Middle School renovations financing from the interim financing to permanent financing.

There were no requests to speak on this matter, and Chairman Breeden closed the public hearing at 7:03 p.m.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following amendment to the Fiscal Year 2005-2006 Adopted Budget.

Amendment  
Fiscal Year 2005-2006 Adopted Budget

**General Fund**

Revenue:	
Proceeds from Permanent Loan	\$9,922,832
Expenditure and Transfer:	
Repayment of Interim Loan	\$8,500,000
Transfer to School Capital Projects Fund	<u>\$1,422,832</u>
	\$9,922,832

**School Capital Projects Fund**

Revenue and Transfer:	
Transfer from General Fund	\$1,422,832
State Literary Loan Subsidy	<u>\$1,083,668</u>
	\$2,506,500
Expenditure:	
Building Improvements-Elkton Middle School	\$1,726,425
Building Improvements-Montevideo Middle School	<u>\$ 780,075</u>
	\$2,506,500

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**FINANCE COMMITTEE RECOMMENDATIONS.**

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board:

- Due to the establishment of permanent financing for the renovation of Elkton Middle School (EMS) and Montevideo Middle School (MMS), approved a supplemental appropriation in the amount of \$9,922,832 as follows. This amount represents the retirement of the interim financing (\$8,500,000); the amount of permanent financing received in excess of the interim financing (\$904,190); and the bond premium (\$518,642).  
  
\$8,500,000    GL Code: 001-67100-900-9103-000  
Redemption of Principal-  
Interim Loan  
\$1,422,832    GL Code: 001-09301-000-9513-000  
Transfer to School Capital  
Projects  
\$9,404,190    GL Code: 001-04104-0100 VPSA (VA Public School  
Authority)  
\$ 518,642    GL Code: 001-04104-0200 VPSA Bond Premium
- Approved the following transfer in the amount of \$1,422,832 from the General Fund to the School Capital Projects Fund for the difference between the total amount received (\$9,922,832) and the amount previously transferred to the School Capital Projects Fund in FY04 (\$8,500,000).  
  
\$1,138,881    GL Code: 103-09402-302-8009-000 Building  
Construction (EMS)  
\$ 283,951    GL Code: 103-09402-331-8009-000 Building  
Construction (MMS)  
\$1,422,832    GL Code: 103-05101-2001 Transfer from General Fund
- Approved the following supplemental appropriation in the amount of \$1,083,668, for a subsidy received during the settlement of the above-mentioned financing for EMS and MMS.  
  
\$ 587,544    GL Code: 103-09402-302-8009-000 Building  
Construction EMS  
\$ 496,124    GL Code: 103-09402-331-8009-000 Building  
Construction MMS  
\$1,083,668    GL Code: 103-02403-0800 State Literary Loan Subsidy

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**PUBLIC HEARING - SPECIAL USE PERMITS.**

At 7:04 p.m., Chairman Breeden declared the meeting open for a public hearing on the following special use permit applications. Ms. Stultz reviewed the particulars of the requests.

S06-07, request of Virginia Poultry Growers Coop, Inc., for a grain unloading station and feed mill with

office and storage on property located on the north side of Buttermilk Creek Road (Route 765) approximately 1800' west of Kratzer Road (Route 753) in Election District #2, zoned A2. Tax Map #79-(A)-103 and 104.

James Mason, General Manager, Virginia Poultry Growers Coop, Inc., stated that his organization was at a "competitive disadvantage" because they cannot unload 75-foot trains at their Broadway feed mill, and they wanted to alleviate build-ups at the railroad crossing.

Bob Ingram, Norfolk-Southern Railroad, reiterated that the poultry growers were at a competitive disadvantage in their grain price due to the logistics and location of the property. He pointed out that they were willing to finance the proposed improvements in order to "protect the economic base they represent in the Shenandoah Valley." He advised that "the best way to deliver corn right now is in the bigger train set" which would allow the poultry growers to "take the lead in corn pricing." He assured the Board that the operation "would not be adding additional truck traffic that does not already exist in that area today." He stated, "After this is up and operating, we are looking at adding a shuttle so we can have faster delivery to that particular loading site. At that point, we would remove all traffic from the highway. We are looking at this to avoid additional truck traffic." He explained that noise would be reduced by holding more cars together at the intersection, and the location would be built with tracks capable of holding 25 cars at a time. We will only put cars back together three times. He said the train engines would provide the unloading power to the feed mill, the building would be done on zero grade and there would be a buffer in between to reduce noise.

Charlie Rhodes expressed concern about noise, odor and dust.

Chris Ferguson, Operations Manager, advised that any dust would go into "bag houses." He reminded the Board that the State has requirements on the amount of dust that could be discharged. He said there should be no odor because "corn does not smell."

Bonnie Miller asked about the amount of noise that would be made by the train cars.

Mr. Ferguson said there would be no banging of the cars because they would be hooked together.

Patricia Williamson complained that she is already affected by the odor and noise from Valley Proteins' trucks which go too fast through Linville where she lives. She was concerned that additional trucks would be going through Linville.

Mr. Mason said there would be no odor from corn and there was no plan to go through Linville. He pointed

out that the applicant purchased 36 acres in order to go directly to Route 42. He indicated that he could not address any complaints regarding Valley Proteins.

Ralph Miller, 91 years of age, stated that he had lived on his property all his life, having bought 25 acres from his father about 70 years ago. He described the building of his home and the "million dollar view" which he has enjoyed for many years and which he would like to keep for his grandchildren's enjoyment in the future. He thought approval of the request would lower his property values and ruin his view.

Pat Williamson said the only lighting of the site would be "dark sky lighting" that would just light the immediate area.

Joe Showalter said he did not want to be disturbed by rats, dust and "all the trash" associated with a feed mill.

Ted Greenwalt said he was "in favor of the concept." He thought the railroad coming to the area would be good for the economy. He said he would like to know the hours of operation.

Mr. Ferguson said it would be "anytime a train comes in within a 24-hour period."

Doug Nyce said he bought his property on Kratzer Road 2 ½ years ago because it did not have excessive noise, traffic, dust, odors and lighting. He expressed concern that the "wonderful environment" would be lost. As his wife has asthma, he was particularly concerned about dust.

Jonathan Gehman expressed concerns about water usage, the height of the structures and the need for a buffer of trees.

Mr. Mason said the structures would be approximately 100 feet tall and there would be one bathroom so there would be little water used.

Rick Blackwell, environmental engineer, said buffers were "under consideration" such as a row of evergreen trees for depressing noise, absorbing odors, and controlling dust. He pointed out that the facility would have to comply with Virginia engineering regulations and regulations regarding storm water and noted that "the State has gotten tighter on regulating industry like this." He said, "A feed mill has a grainy type smell," and noted that dust would be controlled with "bag houses" which would capture any dust particles.

Tina Landes expressed concerns about the train blocking the intersection and dust that would cause problems for her child who has asthma.

Brent Burkholder, farmer, said the Virginia Poultry Growers Coop "came in and saved the day" when the

turkey companies "pulled out" of the County. He said he hoped there would be help for him and other chicken farmers if the same thing happened to them. He said he was concerned that Rockingham remain an agricultural county and he believed most poultry farmers were "rooting for these guys."

William Pond asked if there was another place in the County where the feed mill could be located.

Mr. Mason said every ½ mile out of the epicenter would add \$25 to \$50 thousand a year to the costs of operation. He said the only other site was near Valley Proteins and they could not locate there because of security reasons.

Diane Buchanan said she lived on Kratzer Road facing the site and she was concerned about dust because she and her son had asthma.

Philip Downy, Norfolk-Southern Railroad, said Cargill has daily inspections by DEQ for dust. He said the nearby quarry would generate more dust than the feed mill. He pointed out that Rockingham Redi-Mix is already located nearby. He suggested that the Board "stand up and support the farmers."

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At 8:04 p.m., Chairman Breeden closed the public hearing and called the regular meeting back to order.

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Supervisor Ahrend said the Virginia Poultry Growers had done a "tremendous job" for the County and he believed they had been "successful." He pointed out that, no matter where the feed mill was proposed to be located, there would be a number of citizens who would want to express their views. He noted that he would like to add a condition that would provide for a buffer of trees on the eastern side of the property.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved S06-07, request of Virginia Poultry Growers Coop, Inc., subject to the following conditions.

- 1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- 2) This permit is contingent upon on-site septic drain field and water supply approval from the Health Department.



- 3) Buildings shall comply with the Uniform Statewide Building Code, and the proper permits shall be obtained.
- 4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- 5) Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on the VDOT right-of-way.
- 6) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- 7) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- 8) The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- 9) A buffer of evergreen trees shall be planted along the eastern side of the property prior to the business operating. If any of the trees die, they shall be replaced.

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S06-11, request of Warren Beery, 7539 Rushville Road, Dayton, for agricultural auctions on property located on the south side of Rushville Road (Route 737) approximately 2/10 mile south of Hinton Road (Route 752) in Election District #4, zoned A1. Tax Map #106-(A)-83.

Henry Clark, Clark and Bradshaw, representing the applicant, said his clients were "a number of farmers who are located south of Route 33 and west of Route 42" and who were planning to use "horses, wagons and buggies" for their operation. He pointed out that, for their "very intensive farming operations," they depended very much on the "availability of hay." He said the facility would supply hay and "once or twice a year" would be used for auctioning used farm machinery and horses. He noted that the site was "in the middle of their farming operations." He said, "Their ability to transfer hay is limited by traffic" and there would be no increase in traffic. He advised that the farmer who previously provided hay is moving and this "constitutes a problem for the farmers who are still there." He assured the Board that the operation would be the same as "what has gone on there in the past."

No objections were raised.

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S06-12, request of Charles J. Fusco, Jr., for a residence involving a division of land on property located on the west side of Harpine Highway (Route 42) approximately 800' south of Early Drive (Route 1415) in Election District #1, zoned A1. Tax Map #51-(A)-138B.

Ed Blackwell, representing the applicant, was present to answer questions.

In response to a question regarding a subdivision on the remaining acreage, Ms. Stultz advised that a preliminary plat had been provided with the special use permit request and the property would have to be rezoned before a subdivision could be developed.

Brent Trumbo said he lived on the north and west side of the property, and he wanted to know what the developer's plans were.

Mr. Blackwell said the applicant was not able to get water and sewer from the town so any plans for development or rezoning had been eliminated.

No objections were raised.

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S06-13, request of William J. Rohrer, for a second residence (for son) on property located on the north side of Majestic Road (Route 914) approximately 300' west of Coakleytown Road (Route 732) in Election District #4, zoned A1. Tax Map #106-(A)-105.

Dale Knicely said Mr. Rohrer was a good neighbor, and he indicated he was in favor of the request.

No objections were raised.

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S06-14, request of Shenandoah Valley Produce Auction, LLC, for expansion of produce auction (concession stand) on property located on the southeast side of Lumber Mill Road (Route 734) approximately 3/10 mile west of West Dry River Road (Route 738) in Election District #2, zoned A1. Tax Map #106-(A)-33A.

Raymond Showalter said, "I encourage you to be in favor of this."

Richard Showalter said the building was previously a tool shed.

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S06-16, request of Larry G. Simpson for mini storage units on property located on the west side of North Valley Pike (Route 11) approximately 1/2 mile south of Gravels Road (Route 765) in Election District #2, zoned B1. Tax Map #95E-(A)-58.

The applicant was present to answer questions.

No objections were raised.

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S06-17, request of Southeastern Mennonite Conference, c/o Mark Helmuth, for a tent revival on property located on the east side of Garbers Church Road (Route 910) approximately 350' south of Erickson Avenue (Route 726) in Election District #4, zoned A2. Tax Map #108-(5)-3D.

Mr. Helmuth invited the Board members to the tent revival.

Nelson Showalter said he was in favor of the request.

No objections were raised.

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S06-18, request of Pine Knot, LLC, for a residence involving a division of land on property located on the northwest side of Longley Road (Route 657) and Goods Mill Road (Route 708) in Election District #5, zoned A1. Tax Map #153-(A)-5.

Durwood Michael, representing the applicants, said they wanted to maintain the remaining 40 acres as farmland.

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At 8:38 p.m., Chairman Breeden closed the public hearing and called the regular meeting back to order.

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On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as

follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-11, request of Warren Beery, 7539 Rushville Road, Dayton, for agricultural auctions on property located on the south side of Rushville Road (Route 737) approximately 2/10 mile south of Hinton Road (Route 752) in Election District #4, zoned A1. Tax Map #106-(A)-83.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Applicant shall obtain a permit from VDOT to upgrade his entrance to a modified commercial entrance. It shall be at least 30' wide at the back of the radius with two 30' - 50' radii. The paving typical is to be 8" 21-B stone, and 2" surface mix asphalt.
- (3) VDOT reserves the right to re-evaluate this special use permit randomly during a two year time period in order to monitor traffic characteristics and volumes associated with this use. If upgrades are determined to be needed VDOT reserves the right to require such upgrades.
- (4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (5) Off-street parking shall comply with the Rockingham County Code with parking being permitted in the B2 zoned area.
- (6) There shall be no parking on the state right-of-way, and the applicant shall be responsible for maintaining signs prohibiting parking on the state right-of-way.
- (7) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (8) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (9) There shall be no buildings constructed in association with this use. If a building is desired a new special use permit shall be required.

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In regard to S06-12, request of Charles J. Fusco, Jr., for a residence involving a division of land on property located on the west side of Harpine Highway (Route 42) approximately 800' south of Early Drive (Route 1415), Supervisor Cuevas pointed out that the parcel in question was adjacent to the Town limits and the Town has a policy of not extending public utilities to land outside its limits. He said he would like to extend to the applicant the courtesy to withdraw the application so that he would not have to wait another year to bring back another plan.

Ed Blackwell, representing Mr. Fusco, said he would withdraw the request.

Supervisor Cuevas noted, "At some point something is going to happen and those folks will have to realize that, if something sensible comes up that is not determined by the Board to be detrimental to the neighborhood, something is going to be approved."

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On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-13, request of William J. Rohrer, for a second residence.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
- (3) The tongue shall be removed from the manufactured home, unless included in the skirting, within sixty (60) days of final inspection.
- (4) The residence shall not be used for rental purposes.
- (5) Residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-14, request of Shenandoah Valley Produce Auction, LLC, for expansion of produce auction (concession stand) on property located on the southeast side of Lumber Mill Road (Route 734) approximately 3/10 mile west of West Dry River Road (Route 738) in Election District #2, zoned A1. Tax Map #106-(A)-33A.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) The building shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
- (3) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community

Development and no work shall be done on the property until such time as a site plan is approved.

- (4) VDOT reserves the right to require further entrance upgrades in the future should conditions warrant.
- (5) This concession stand shall not be placed into operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (6) All conditions of the 2005 special use permit shall remain in effect and shall be enforced.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-16, request of Larry G. Simpson for mini storage units on property located on the west side of North Valley Pike (Route 11) approximately 1/2 mile south of Gravels Road (Route 765) in Election District #2, zoned B1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Buildings shall comply with the Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) The existing southern entrance shall be closed as required by VDOT.
- (4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (5) As stipulated by the Fire Marshall, fire lanes shall be required.
- (6) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (7) Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on the VDOT right-of-way.
- (8) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (9) All storage shall be inside the buildings and there shall be no outside storage permitted.

- (10) Applicant shall not use the property for the commercial storage of explosives, fuels or other flammable materials, or goods or products that contain, emit, produce, or generate toxic or hazardous substances in such quantities or in such manner which would require reporting under the Emergency Planning and Community Right to Know Act, 42 USC § 11001 et seq, or the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC § 9601 et seq.
- (11) These units shall not be used until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-17, request of Southeastern Mennonite Conference, c/o Mark Helmuth, for a tent revival on property located on the east side of Garbers Church Road (Route 910) approximately 350' south of Erickson Avenue (Route 726) in Election District #4, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) The tent shall meet the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
- (3) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (4) On-premise sign shall comply with the Rockingham County Code.
- (5) Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on State right-of-way.
- (6) The tent shall be located on the property no more than 14 days at any one time.

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At Chairman Breedens request, on motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-18, request of Pine Knot, LLC, for a residence involving a division of land on property located on the northwest side of Longley Road (Route 657) and Goods Mill Road (Route 708) in Election District #5, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Any residence on the residual parcel shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
- (3) The existing paved entrance to the south shall be closed due to lack of sight distance in accordance with VDOT regulations.
- (4) If the deed exception is made within two years from the date of approval of the permit, there shall be no set time for a residence to be constructed on the residual parcel.
- (5) Neither the house on the divided parcel nor any residence constructed on the residual parcel shall be used for rental purposes.
- (6) Any residence constructed on the residual parcel shall not be occupied until a certificate of occupancy is obtained from the County.

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At 8:50 p.m., Chairman Breeden declared the meeting open for a public hearing on the following special use permit application.

S06-15, request of J & S Land Development Co., LLC, for small contractor's business (storage and maintenance of carnival and lawn party rides) on property located on the northwest side of Bloomer Springs Road (Route 646) approximately 3/4 mile northwest of Spotswood Trail (Route 33) in Election District #5, zoned A2. Tax Map #128-(A)-98.

Stephen Blatt, representing the applicants, explained that the request was for a family business which provides carnival equipment for local fairs. He said the applicants wished to store their equipment during the off-season and to do maintenance and repair on the site. He pointed out that the previous owner, who had a tractor-trailer business on the site, built the 60' by 80' building. He noted that one of the adjoining neighbors had a poultry business which brought trucks up the 14 foot right-of-way on the property. He advised that, during the year, the equipment would leave for the season in early April and would be out all summer until it returns in the fall. He pointed out that the equipment is supplied to many community organizations such as the Briery Branch Community Center, Singer's Glen Volunteer fire Department, Hose Co. #4 Volunteer Fire Department, Fulk's Run Ruritan Club, Clover Hill Ruritan Club, Mount Crawford Ruritan Club, Elkton Volunteer Fire Department, Elkton Council of Junior Order, Grottoes Volunteer Fire Department, Shenandoah Volunteer Fire Department, Bergton Community Fair, Timberville Volunteer Fire Department, McGaheysville Volunteer Fire Department, Special



Olympics, Bridgewater Volunteer Fire Department, Keezletown Ruritan Club, Verona Volunteer Fire Department, Rockingham County Fair, Bridgewater College, Great Eastern Resorts at Massanutten, Merck & Company, Kraft Foods, Sunnyside Retirement Home, Cerro Metals, RR Donnelley & Sons and Walker. He pointed out statements of support from several community organizations, and stated that the applicant was a "good corporate citizen."

Jennifer Spurge said they ran a "good family-owned business" that does not "go against the spirit of the zoning that is there now." She said the proposed use would not change the neighborhood.

Clarence Boggs, President of Timberville Fire Department, said the applicants had provided his organization with "excellent service," and the Department had just signed another three-year contract with them. He described the applicants as "good people who clean up after themselves."

Carrol Yankey, Rockingham County Fair, Fulks Run and Bergton Community Fairs, said he had worked with the applicants for 18 years and they had "put on a real good, clean show." He said they were "good to work with, they donate a lot to the County and they are a real asset to the community."

Jeanette Smith opposed the application, expressing concern that it did not conform to the County's Zoning Ordinance. She expressed concerns about increased traffic, damage to the natural environment and the impact on homes in the area.

Junior Hensley said approximately 25 people on Bloomer Springs Road were opposed to the request. He expressed concerns about lowered property values, increased traffic, equipment being left in the lane, and its inappropriateness for the neighborhood.

Charles Dixon, adjacent property owner, was opposed to the request. He was concerned about devalued properties and added traffic on an already "dangerous road" and the potential for more accidents.

Deland Morris objected to the proposed use in a residential area. He described the site as looking like a "junk yard."

Sherry Hitt expressed concern about traffic and the "dangerous entry" to the property. She said the applicants have a difficult time maneuvering the equipment onto their property. She reminded the Board that the applicants had been conducting business on the site without a permit. She wanted to know who would regulate the site and make sure the applicants lived up to their agreements.

Dwight Phillips said the applicants were "good people" but he opposed the request because of the "dangerous road."

Todd Smith said the area is a "farming community" and not the appropriate location for the proposed use which he considered to be "industrial." He was concerned about the "many trucks that will be parked out there." He said the road was not large enough to handle the traffic that would be generated by the operation.

Mr. Dean said there was some equipment on the site - generators and excess equipment. He noted that he has 38 acres adjoining the site with trucks coming in and out for farm use. He said the permit was very much needed so that his family could move their equipment from the rental property presently being used. He said he planned to erect a six-foot privacy board fence.

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At 9:40 p.m., Chairman Breeden closed the public hearing and called the regular meeting back to order.

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Supervisor Kyger asked how often it would be necessary to work outside until 9:00 p.m. Mr. Dean advised that for the seven months the equipment is absent, there would be no work on it and 9:00 p.m. would be the time for the remainder of the year.

Mr. Blatt said during the in season they would not work past 6:00 p.m. and during the off season they would not work past 9:00 p.m.

Supervisor Kyger said he had noticed some equipment parked along the driveway. Mr. Dean explained that work was being done on the back side of the building at that time and the equipment had to be moved. He said there was plenty of room behind the building for storing the equipment.

Mrs. Dean assured the Board that she was very concerned about the appearance of the site, the landscaping and beautification of the area. She said the operation would be a "nice enhancement to the community."

Chairman Breeden said he would like the entire Board to visit the site and requested a motion to table the request.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S06-15, request of J & S Land Development Co., LLC, for small contractor's business (storage and maintenance of carnival and lawn party rides) on property located on the northwest side of Bloomer Springs Road (Route 646) approximately 3/4 mile northwest of Spotswood Trail (Route 33) in Election District #5, zoned A2.

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**PUBLIC HEARING - ZONING ORDINANCE AMENDMENTS.**

At 9:50 p.m., Chairman Breeden declared the meeting open for a public hearing on the following proposed Zoning Ordinance amendments.

OA05-14 Chapter 17 of the Zoning Ordinance, (1) Section 17-6. Specific definitions of permanent foundations and on-frame modular with changes to definition of manufactured home park and manufactured home subdivisions; (2) Section 17-138 to add on-frame modular home requirements to existing manufactured home requirements; (3) Section 17-139 to add on-frame modular home accessory uses; (4) Section 17-140 to amend street requirements in the manufactured home parks to allow for longer cul-de-sacs and dead-end streets; (5) Section 17-141 to amend street requirements in the manufactured home subdivisions to allow for longer cul-de-sac and dead end streets.

Staff and Planning Commission recommended approval.

*Staff recommendation: The definition of foundation was changed as requested by the Planning Commission. With regard to the concern about the affordability in manufactured home parks if the street requirements are changed, it would be recommended to leave the street requirements in the parks as they currently are and only change them in the manufactured home subdivision. Additionally, for financing purposes, on-frame modulars should be allowed in both manufactured home parks and subdivisions.*

*Planning Commission recommendation: With the change to the definition of foundation and in leaving manufactured home park street requirements as they currently are, the Planning Commission recommended approval of the ordinance amendment with a 5 to 0 vote.*

Walt Trobaugh said this was needed so that prospective home buyers could qualify for HUD loans.

OA05-15 Chapter 17 of the Zoning Ordinance, Section 17-27. Special uses in the A2 District to allow for automobile sales lot by special use permit with a limited size lot and limited number of vehicles, on property where the owner or operator of the sales lot resides and limited only to employees residing in the residence on the property.

Ms. Stultz noted that staff and the Planning Commission recommended denial of this proposal.

*Staff recommendation: Staff is concerned that approval of this ordinance amendment will expand the*

*uses allowed in agricultural areas and impede on the preservation of agricultural uses.*

*Planning Commission recommendation - 11/01/05  
Instructing staff to work with the applicants and agencies involved in the licensing of used car dealers to search for an innovative ordinance amendment that would allow for the wholesale sale of vehicles without requiring an on-site sales lot, the Planning Commission tabled the amendment with a vote of 5 to 0.*

*Planning Commission recommendation - 2/7/06  
After hearing from the Zoning Administrator that the Motor Vehicle Dealers Board stated that a lot capable of holding 10 vehicles would be required for any car lot and that there is no waiver to this law in the State Code, the Planning Commission concurred with the staff recommendation for denial with a vote of 5 - 0.*

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At 10:00 p.m., Chairman Breedon closed the public hearing and called the regular meeting back to order.

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On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDON - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following amendment.

**AMENDMENT TO CHAPTER 17 (ZONING ORDINANCE)  
OF THE ROCKINGHAM COUNTY CODE**

**AMEND:**

**Sec. 17-6. Specific definitions**

*Foundation, permanent.* Any footer with a wall that shall meet all the requirements of the Uniform Statewide Building Code.

*Industrialized building.* A combination of one (1) or more sections of modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Shall include modular homes, modular office and modular classrooms but shall not include manufactured home or on-frame modular homes.

*Manufactured home.* A structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site, is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing,

heating, air-conditioning, and electrical systems contained in the structure. Site preparation, utility connections, skirting installation and maintenance of the manufactured home shall meet the requirements of the Virginia Uniform Statewide Building Code. This definition shall include on-frame modular homes, but shall exclude industrialized buildings, mobile units, recreational vehicles and camping trailers. For the purpose of this chapter, any home constructed prior to 1976, known as a mobile home, shall meet the same requirements as a manufactured home.

*Manufactured home park.* A parcel of land under ownership by a single individual, partnership or corporation on which three (3) or more manufactured homes or on-frame modular homes are located.

*Manufactured home subdivision.* A subdivision designed or intended for the sale of lots for siting manufactured homes or on-frame modular homes.

*Modular, on-frame:* A structure subject to the Uniform Statewide Building Code affixed to a steel frame and transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or as three hundred twenty (320) or more square feet erected on site; is designed to be used as a single-family dwelling, with a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. This definition shall exclude industrialized buildings, mobile units, recreational vehicles, and camping trailers. This definition shall also exclude modular homes not affixed to a steel or other metal frame.

#### **Sec. 17-138. Manufactured home requirements--Generally.**

Any manufactured home placed in Rockingham County, whether in a park, subdivision or on private land, after the date of enactment or amendment of this chapter shall meet the following requirements:

(a) All manufactured homes shall display a HUD seal of approval or the seal of a testing facility approved by the State of Virginia. All manufactured homes shall meet the plumbing, electrical, building, and anchoring requirements of the Uniform Statewide Building Code. All on-frame modular homes shall meet the Uniform Statewide Building Code.

(b) All manufactured homes shall be completely skirted, such that no part of the undercarriage shall be visible to a casual observer and with a durable material with a life expectancy of at least five (5) years. Any manufactured home shall be skirted within sixty (60) days of final inspection. All on-frame modular homes shall be placed on a permanent foundation.

(c) All wheels, tongues and similar devices designed for the transportation of the unit shall be removed within sixty (60) days of final inspection. Property owner or park owner shall report back to the zoning administrator that they have been removed.

(d) Manufactured homes shall be considered main structures and subject to the regulations and provisions pertaining thereto; and in addition, a manufactured home or on-frame modular home shall not be located in a subdivision which is devoted to or is to be devoted exclusively to single-family dwellings.

(e) Manufactured homes are allowed to be located on property for residential single-family dwelling purposes only, except that manufactured homes may be used as offices on a manufactured home dealer's lot and as an office in a manufactured home park or subdivision by the park owner or manager of the park or subdivision.

(f) Manufactured homes shall not be used for storage buildings in Rockingham County, and no manufactured homes shall be stored on property in Rockingham County except on manufactured home sales lots approved by the county.

(g) No manufactured home shall be moved onto any lot, whether in a park, subdivision or on private land without first obtaining proper permits from the county.

(h) Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all county, state and federal fire prevention and protection regulations.

(P.C. Ord. No. 95-1, 2-8-95)

**Sec. 17-139. Manufactured home accessory structures--Generally.**

All manufactured home accessory structures, whether in a park, subdivision or on private land, erected or constructed after the date of enactment or amendment of this chapter shall meet the following requirements:

(a) All manufactured home accessory structures shall meet the requirements of the Uniform Statewide Building Code.

(b) Except in the case of an awning or other shade structure, where a manufactured home accessory structure is attached to the manufactured home unit, a substantial part of one (1) wall of the accessory structure shall be flush with part of the manufactured home unit or such accessory structure shall be attached to the manufactured home unit by means of a roof.

(c) Manufactured home accessory structures shall not exceed the height of the manufactured home.

(d) Any accessory structure placed on a manufactured home lot shall be accessory only to the manufactured home.

(e) Porches may be placed to manufactured homes provided they are constructed in accordance with the provisions of the Uniform Statewide Building Code. As a minimum a three (3) feet by three (3) feet landing shall be required at each door and shall be in place prior to final inspection and occupancy of the home. Any porch or deck over three (3) feet by three (3) feet shall be considered a part of the main building and shall meet main building setbacks.

(f) No porches, decks, or accessory structures to any manufactured home shall be constructed or erected, whether in a park, subdivision or on private land, without first obtaining proper permits from the county.

(P.C. Ord. No. 95-1, 2-8-95)

**Sec. 17-140. Manufactured home parks.**

(e) *Street standards for manufactured home parks.* An internal street system to furnish convenient access to manufactured home stands and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient.

(1) *Public streets.* Streets within a manufactured home park intended to be dedicated as public streets shall comply with the requirements of chapter 16 of this Code

- (2) *Private streets.* Private streets shall meet the following requirements:
- a. All internal streets shall be permanently paved with a durable dustproof, hard surface. Minimum pavement widths shall be twenty-four (24) feet ~~for~~ streets providing access to forty (40) or more manufactured home stands and eighteen (18) feet for streets providing access to less than forty (40) manufactured home stands. Pavement widths shall be measured from curbface to curbface.
  - b. Dead-end streets shall be limited in length to four hundred (400) feet, shall be provided with cul-de-sacs with turning areas of not less than fifty (50) feet in radius, or with ``T", or ``Y" turning areas, and shall provide access to no more than twenty (20) manufactured home stands.
  - c. Streets shall be adapted to topography, shall follow the contours of the land as nearly as possible, and shall have safe grade and alignment. No grade shall exceed twelve (12) percent, or no curve shall have an outside radius of less than eighty (80) feet.
  - d. Applications for entrance permits to manufactured home parks from any public street or public road shall conform to the construction standards of the department of transportation.
  - e. No request shall be made to have streets in a manufactured home park served by public streets unless and until the private streets have been dedicated and constructed, at no cost to the county or to the department of transportation, to the then current standards for public streets. No request shall be made to have lots in a manufactured home park served by public streets unless and until the private streets have been dedicated and constructed, at no cost to the County or to VDOT, to the then current standards for public streets.

(P.C. Ord. No. 5-87, (part), 4-22-87; P.C. Ord. No. 98-3, 5-27-98)

**Sec. 17-141. Manufactured home subdivisions.**

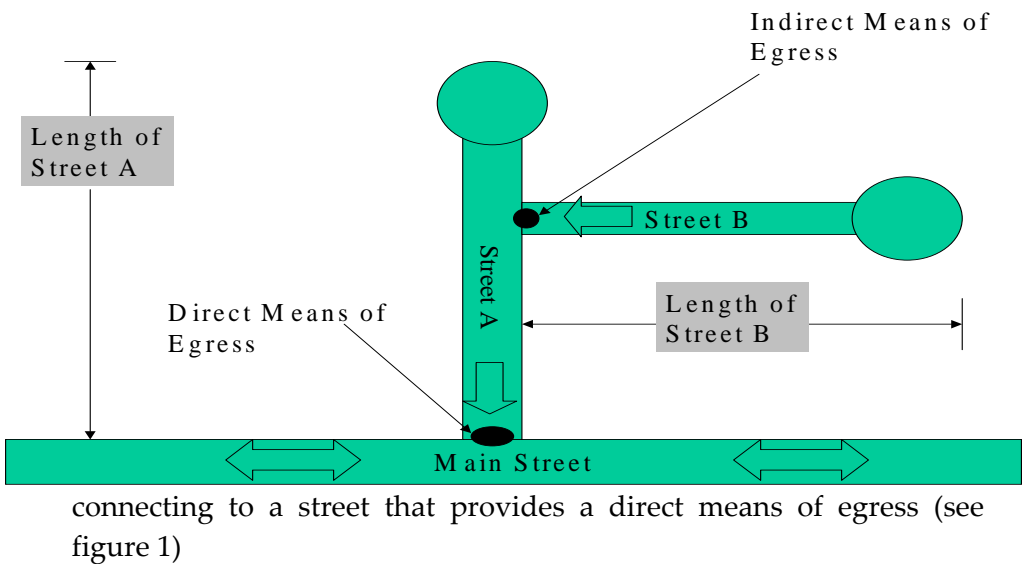
- (e) *Street standards for manufactured home subdivisions.* An internal street system to furnish convenient access to manufactured home stands and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient.

- (1) The following regulations shall pertain to both private and public streets:

- (a) Applications for entrance permits to manufactured home subdivisions from any public street shall conform to the construction standards of VDOT. New streets entering manufactured home subdivisions shall meet the sight distance requirements of the VDOT Minimum Standards of Entrance to State Highways. If sight distance cannot be met, VDOT shall notify the Zoning Administrator in writing and the park shall not be approved.

- (b) Grades on all streets shall not exceed a ten (10%) percent maximum unless an exception is approved by both VDOT and the Fire Chief for public streets and the Fire Chief for private streets. An exception may be granted due to terrain or other mitigating circumstances. Written approval of such exception shall be submitted to the Zoning Administrator prior to the approval of the plat.
  - (c) A ten (10) foot stormwater management and utility easement shall be created on all lot lines of all manufactured home subdivision lots. Applicable stormwater management regulations and design standards shall be met.
  - (d) Fire department access shall be provided and maintained to a lot prior to the placement of a structure on said lot. Fire department access roadways shall be an approved surface material, capable of providing emergency vehicles access and support at all times, and shall be a minimum of 24 feet in unobstructed width. The access roadway shall provide a minimum turning radius of 50 feet and minimum vertical clearance of 13-1/2 feet. No permits shall be issued until such time as the fire chief has notified the Zoning Administrator in writing that such access has been provided.
- (2) Dead-end streets shall be designed as follows for either public or private streets:.
- (a) Dead-end streets shall not exceed eight hundred (800) feet or be less than one hundred fifty (150) feet, and shall meet the following requirements:
    - 1) Dead-end streets shall terminate in an approved cul-de-sac with pavement radii of not less than forty-five (45) feet and a right-of-way radii of not less than sixty (60) feet.
    - 2) The length shall be measured from the end of the cul-de-sac to the closest intersection, which provides a means of egress from the park either directly or indirectly (see figure 1)
    - 3) Dead-end streets that provide direct means of egress shall do so by

FIGURE 1



- (b) Lengths of greater than eight hundred (800) feet shall be allowed if the following conditions are met:



- 1) Dead-end streets with lengths of greater than eight hundred (800) feet shall require written approval, prior to submission by the Fire Chief, VDOT (if public street), and the Director of Public Works (if served by public utilities);
  - 2) An easement from the turnaround to another street provides for a looped water system unless the system is otherwise looped; unless otherwise approved by the Director of Public Works if served by public utilities.
  - 3) The dead-end street is designed as a dual street with a landscaped median over its entire length, which divides the dead-end street into two (2) distinct and separate lanes. Whether constructed as private or public, the construction of the lanes, right-of-way and median shall be constructed in accordance with VDOT standards. Median breaks shall be provided at every intersection and at other points at intervals of no more than three hundred (300) feet or as otherwise specified by the reviewing parties. Median breaks shall be designed to VDOT standards; and
  - 4) Fire hydrants shall be placed as required by the Fire Chief.
- (3) *Public streets.* In addition to the requirements in Section 17-141(e)(1) and (2) above, streets within a manufactured home subdivision intended to be dedicated as public streets shall comply with the requirements of chapter 16 of this Code and to the additional following requirements:
- (a) Application to have a street accepted into the state secondary highway system may be completed by the developer and submitted to the County and VDOT within three (3) months after the County has issued a certificate of occupancy for the third structure addressed on said street and shall be completed and submitted to the County and VDOT within three months after there are residences on seventy-five (75%) percent of the lots in the manufactured home subdivision or in a section of the subdivision when developed in sections. At that time the street shall meet VDOT secondary road standards.
  - (b) In the event that Rockingham County has accepted the dedication of a street for public use by approval of a recorded manufactured home subdivision plat, and such road, upon its completion, is not accepted into the VDOT secondary highway system, prior to the release of the improvements bond, the subdivider or developer shall be required to furnish the county with a maintenance and indemnifying bond, either by cash escrow or letter of credit, with surety satisfactory to the Agent in an amount sufficient for and conditioned upon, the maintenance of such road until such time as it is accepted into the state secondary highway system. As a minimum the amount of the maintenance and indemnifying bond shall be twenty-five (25%) percent of the amount of the original assurance provided to the county at the time the final plat was approved. The amount of the maintenance bond shall be determined by the agent, Public Works Director and Highway Engineer. In any event when the third certificate of occupancy for a structure addressed on a street is issued, the developer must comply with Section 16-15(o) of the Rockingham County Code. If it is determined by the county and VDOT that the developer has not complied with these requirements, the county may call the maintenance and indemnifying bond and use the proceeds therefrom to have the streets brought up to standards to be taken into the state secondary highway system and shall withhold

any building permits or certificates of occupancy until streets are accepted into VDOT's secondary highway system. If for any reason the funds held by the county to bring the road up to state standards are not adequate for completion of the work, the developer shall be responsible for any cost over and above the amount of funds held by the county.

- (c) For the purposes of this chapter, "maintenance of the road" shall be deemed to mean maintenance of the streets, curb, gutter, ditches, stormwater management facilities, utilities, street signs or other street improvements, including the correction of defects of damages, so as to keep such road open for public usage.
- (4) *Private streets.* In addition to the requirements of Section 17-141(e)(1) and (2) private manufactured home subdivision streets shall meet the following requirements:
  - a. All internal streets shall be permanently paved with a durable dustproof, hard surface. Minimum pavement widths shall be twenty-four (24) feet. Pavement widths shall be measured from curbface to curbface.
  - b. No request shall be made to have the lot herein conveyed served by a public street unless and until the private street serving said lot has been dedicated and constructed, at no cost to the county or to the department of transportation, to the then current standards for streets.
  - c. The grantee is required to belong to a property owner's association for the maintenance of the private streets within the subdivision and is liable for payment of an annual assessment for the upkeep and maintenance of said private streets.
  - d. In lieu of the property owner's association provided in subparagraph (2) of this subsection such deed shall contain a provision for payment of a fixed annual assessment to developer or a third party for maintenance of said streets and in default thereof by developer or third party, the property owners shall take over such street maintenance and shall be empowered with the rights of developer or third party to make a fixed annual assessment.

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On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board denied OA05-15 Chapter 17 of the Zoning Ordinance, Section 17-27. Special uses in the A2 District.

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**CLOSED MEETING.**

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 10:05 p.m. to 10:44 p.m., in accordance with State Code Section 2.2-3711(A) discussion of location of a new industry where no previous announcement has been made.

At 11:24 p.m., Chairman Breeden called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR CUEVAS      RESOLUTION NO: X06-04  
SECOND: SUPERVISOR KYGER      MEETING DATE: FEB. 22, 2006

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:  
AYES:      AHREND, BREEDEN, CUEVAS, FLOYD, KYGER  
NAYS:      NONE  
ABSENT:    NONE

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**ADJOURNMENT.**

By consensus, the Board adjourned the meeting at 10:44 p.m.

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Chairman